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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,130	11/14/2005	Peter Knoll	10191/3691	3607
26646	7590	12/13/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER LIEU, JULIE BICHNGOC	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,130

Applicant(s)

KNOLL, PETER

Examiner

Julie Lieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to Applicant's response filed September 18, 2007.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 11-20 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 2002/0011925).

Claim 11:

Hahn discloses a system, thus also method for warning a driver of a motor vehicle, comprising generating, in a direction of at least one object in a field of view of the driver, at least one optical warning by at least one signaling arrangement; the at least one object being situated in vicinity of the motor vehicle. See abstract and figs. 1-4.

The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displays the specific image or symbol at locations of field of vision of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

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Claim 12:

In the Hahn system, the at least one optical warning includes at least one of at least one patch of light and at least one warning symbol. See figs. 2-4.

Claim 13:

In the Hahn system, at least one of display duration, a repetition frequency, a size, a color, and an intensity of the at least one optical warning is changeable.

Claim 14:

The reference fails to state that the at least one optical warning is generated immediately prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displays the specific image or symbol at locations of field of view of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 15:

The optical warning in Hahn's system is generated as a function of a dangerousness of a driving situation. Para [0010].

Claim 16:

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In the Hahn system, the at least one optical warning is at least generated as a function of an optical signal of surroundings of the motor vehicle, the optical signals being generated by at least one image-sensor system including an infrared-sensitive image-sensor system. Para [0010].

Claim 17:

The least one of at least one projection device and at least one heads-up display shown in Hahn's serves as the at least one signaling arrangement generates the at least one optical warning.

Claim 18:

Hahn discloses a device for warning a driver of a motor vehicle, comprising:

at least one signaling arrangement for generating at least one optical warning, the at least one signaling means including an arrangement for generating the at least one optical warning in a direction of at least one object in a field of view of the driver, and the at least one object being situated in a vicinity of the motor vehicle, wherein the at least one signaling arrangement includes an arrangement for generating the at least one optical warning in the direction of the at least one object in the vicinity of the motor vehicle at least prior to the at least one object becoming visible to the driver. See abstract and figs. 1-4.

The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displays the specific image or symbol at locations of field of vision of the operator and the duration of the specific image or symbol lying below a conscious and above an

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unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 19:

In the Hahn system, the at least one signaling arrangement includes at least one of:

an arrangement for generating at least one of at least one patch of light and at least one warning symbol as the at least one optical warning;

an arrangement for changing at least one of a display duration, a size, a color, and an intensity of the at least one optical warning;

an arrangement for generating the at least one optical warning as a function of a dangerousness of a driving situation.

See figs. 1-4 and para. [0010],

Claim 20:

The Hahn system includes at least one infrared-sensitive image-sensor system for generating an optical signal of surroundings of the motor vehicle, wherein the at least one signaling arrangement includes at least one of a projection device and at least one head-up display. See figs. 2-4 and para. [0010].

Applicant's arguments

4. The Applicant presented the following argument:

“The ‘Hahn’ reference clearly states that ‘the physiology of perception show that the attention of the human being can be guided by short, hardly perceivable changes in contrast.’ Paragraph 5. Thus, a symbol displayed for a duration lying below a conscious perception threshold of the operator will never be consciously perceived by the operator, but will draw the operator's attention to the symbol's display location. If an object is not visible at the symbol's display location, the operator will become confused because the operator did not consciously perceive the symbol, and is now staring at an empty spot. Thus, ‘Hahn’ does not disclose the above feature, as provided for in the context of the claimed subject matter--since the reference specifically teaches away from the claim feature.”

Response to Applicant's arguments

5. The Applicant's argument has been fully considered but not deemed persuasive.

Paragraph 5 of Hahn's states that “the action-relevant information is offered, via a unit for display thereof, to an operator of technical equipment below a conscious but above an unconscious perception threshold for a short time. In this manner, it is possible to trigger the attention of the operator without overtaxing him/her by constantly displaying unnecessary

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information." Therefore, it clearly the display is to draw the operator's attention to the location where the object would appear in the field of view prior to the object becoming visible to the driver. Note that Hahn's invention is directed towards increasing safety and operating convenience. Para. [0002]. Further, para. [0003] discusses the camera systems or image sensors are used in vehicle to increase safety because image sensors are more sensitive at night than the human eye for improving the sight of the vehicle driver. This implies that Hahn employs the use of imaging sensors to aid in detecting and alerting the vehicle operator of the presence of objects in front of the vehicle prior to the object becoming visible to the operator.

- Regarding the argument that the object is not visible at the symbol displaying location, the operator will become confused because the operator did not consciously perceive the symbol, it should be noted that it is inherent the operator would have known that such display is to indicate to that there's (are) a detected object(s) at the location of the symbol's display, of which the operator might not have seen, it is not necessary for the operator to look at the display object for a long time because it would be overtaxing as stated in para. [0005].

For the reason stated above, the rejection is maintained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

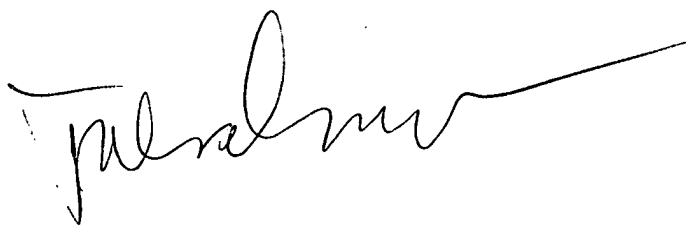
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu
Primary Examiner
Art Unit 2612

Dec 03, 07